

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:11-CR-312-D  
No. 5:16-CV-9-D

WENDELL HUSSEY LLOYD, JR.,     )  
  )  
                          Petitioner,     )  
  )  
                          v.             )  
  )  
UNITED STATES OF AMERICA,     )  
  )  
                          Respondent.     )  
  )

**ORDER**

On January 7, 2016, Wendell Hussey Lloyd, Jr. ("Lloyd") filed a motion to vacate his sentence [D.E. 64]. On July 14, 2016, the government responded and conceded that Lloyd is no longer an armed career criminal and should be resentenced [D.E. 75].

Lloyd's motion [D.E. 64] is GRANTED, and his 188-month sentence is VACATED. After the United States Probation Office prepares a new Presentence Investigation Report ("PSR"), the court will hold a new sentencing hearing and resentence Lloyd. The court notifies the parties that it is considering an upward departure under U.S.S.G. § 4A1.3. See Fed. R. Crim. P. 32(h); U.S.S.G. § 4A1.3(a)(1).

SO ORDERED. This 31 day of October 2016.

  
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JAMES C. DEVER III  
Chief United States District Judge